

REMARKS

Claims 1-6, 11-14, 16, 17, 19, and 23-31 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 11, 14, 17, 19, 23, 26, 29 and 31 have been amended, as shown on pages 2-9 of the Reply.

Applicants' representative thanks Examiner Maguire for the courtesies extended during the telephonic interview conducted on January 13, 2009. Examiner was contacted to discuss the claim rejections under 35 U.S.C. §101, 35 U.S.C. §103(a), and 35 U.S.C. §112.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 17 Under 35 U.S.C. § 112, Second Paragraph

Claim 17 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention. The Office Action alleges that there is no specific structure set forth delineating exactly what accomplishes the steps of the claim. Claim 17 has been amended to specify "computer executable system." Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-6, 11-14, 16, 19, and 23-31 Under 35 U.S.C. § 101

Claims 1-6, 11-14, 16, 19, and 23-31 stand rejected under 35 U.S.C. 101 because the Examiner asserts that the claimed invention is directed to non-statutory subject matter. The Office Action points out that a 35 U.S.C. 101 process must be tied to another statutory class (such as a particular apparatus). Independent claims 1, 11, 19, 23, 26, and 29 have been amended to address the Examiner's concerns in this regard. It is therefore respectfully requested that this rejection be withdrawn.

III. Rejection of Claims 1-6, 10-14, 16, 17, 19, and 22-31 Under 35 U.S.C. §103(a)

Claims 1-6, 10-14, 16, 17, 19, and 22-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hanagan et al.* (US 2001/0056362,) in view of "Cingular Offers Rollover Minutes" (Cingular). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. *Hanagan et al.* and Cingular, individually or in

combination, do not teach each and every element of applicants' invention as recited in the subject claims.

A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a "temptation to read into the prior art the teachings of the invention in issue" and instructing courts to "guard against slipping into the use of hindsight" (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

The subject claims relate to systems or methods to provide a single calling plan that allows subscribers to share call units between disparate telecommunications systems. The subject claims provide for a subscriber to order a minute sharing plan whereby ordered minutes may be used for usage on disparate telecommunication carriers. For example ordered minutes may be used for making both wireless and wireline long distance calls. The subject claims further provide for integrated billing and management services, a rollover management system, an integrated ordering system, and an integrated service settlement systems that apportions the revenue between disparate telecommunications systems based upon the subscriber's utilization of the different telecommunication services; for example, the number of calls made using wireless and wireline phones.

Regarding claims 1-6, and 30: Claims 2-6, and 30 depend from independent claim 1. In particular, amended independent claim 1 recites: *A method of integrating billing and services management, and **revenue sharing** between a wireless telecommunications carrier and a disparate wireline telecommunications carrier executed on one or more computers, comprising; provisioning a call unit sharing plan allowing a user to charge units of wireless usage at a wireless carrier and units of wireline usage at a disparate wireline carrier to one calling plan . . . settling a revenue associated with a call unit sharing plan between the wireless carrier and the wireline carrier in a single billing cycle by apportioning an amount of the revenue related to wireless services during the single billing cycle to the wireless carrier and apportioning an amount of the revenue related to wireline services during the single billing cycle associated to*

the wireline carrier. The subject claims disclose that both the wireless and wireline usage minutes are charged to the same calling plan even though the services are offered by disparate telecommunications carriers. Since in the subject claim, both the wireless and wireline usage are charged to the same call unit sharing plan, **a revenue needs to be** apportioned between the two carriers. *Hanagan et al.* does not teach or suggest a call unit sharing plan allowing a subscriber to charge units of wireless usage and units of wireline usage from **disparate** carriers to the same calling plan. *Hanagan et al.* is limited to a **single** telecommunications provider that provides for more than one type of service, wherein all services are maintained in a **single** customer database (Abstract and paragraph [0050]). Further, *Hanagan et al.* does not teach sharing of minutes between wireless and wireline services. In *Hanagan et al.*, wireless and wireline usage are charged to separate wireless and wireline calling plans, respectively. *Hanagan et al.* is limited to bundling different services from a single provider to promote volume discounts across services (paragraphs [0050], [0077], [0079] and [0098]). *Hanagan et al.* only teaches volume discount. It does not teach or suggest sharing of minutes between wireless and wireline services. Consequently, *Hanagan et al.* does not teach or suggest sharing revenue between two disparate carriers sharing a call unit plan and having different subscriber data systems.

Amended independent claim 1 further recites: ***receiving wireless usage at the wireless carrier; receiving wireline usage at a wireline usage rating platform; routing the wireless usage to the wireline usage rating platform.*** In the subject claim, wireline and wireless usage are received by respective carriers. The wireless usage is then routed to the wireline usage rating platform using software programming operatives. *Hanagan et al.* is limited to single telecommunications provider that provides multiple services (paragraph [0050]). Consequently, in *Hanagan et al.* the wireline usage and wireless usage are received at the same carrier, while the subject claims disclose that the wireline and wireless usage are received at different carriers. Consequently, contrary to the arguments presented in the Office Action, *Hanagan et al.* does not teach ***routing the wireless usage to the wireline platform*** because in *Hanagan et al.* wireline and wireless services are provided by the same carrier.

Amended independent claim 1, lines 9-12 recite: ***receiving a rollover matrix indicating a number of units of call usage that are available for rolling over to a subsequent usage period; rolling over to the subsequent usage period the number of units of call usage that are available for rolling over.*** The subject claims disclose a rollover matrix that is utilized for

calculation, display and billing of rollover minutes; and then transfers the rollover matrix to both carriers to synchronize information associated with rollover minutes. *Hanagan et al.* does not teach or suggest receiving a rollover matrix or rolling over unused minutes of the call unit sharing plan from one period to the next period. The rollover matrix in subject claims allow rolling over of unused minutes for both the wireless and wireline carriers sharing a call unit sharing plan. Although, Cingular discloses rolling over **unused wireless** minutes from one month to the next month, it does **not** disclose rolling over unused minutes of a **call unit sharing plan** shared between wireless and wireline carrier. Cingular is limited to rolling over unused wireless minutes only. Consequently, it would not have been obvious to one of ordinary skill in the art at the time of invention to modify the method of *Hanagan et al.* in view of Cingular to create a rollover matrix using a rollover management component, and to synchronize unused rollover minutes from a call unit sharing plan between the two carriers. The Office Action fails to demonstrate that it is instantly obvious to one of ordinary skill to combine *Hanagan et al.* and Cingular to make the subject claims obvious. Furthermore, Cingular fails to make up for the other aforementioned deficiencies of *Hanagan et al.*

Furthermore, applicants' representative disagrees with the Office Action that the method of *Hanagan et al.* could be performed for two or more separate companies because it could be performed for single company. The method of *Hanagan et al.* teaching combining wireless and wireline services in a bundled package with volume discount from the same company is different from the method in the subject claims where two disparate carriers share the revenue from a single **call unit sharing plan**. The subject claims disclose sharing of revenue based on the relative usage of wireless and wireline carrier by the subscriber. Each carrier revenue can be affected by the subscriber's usage of shared called minutes at the other carrier. In *Hanagan et al.*, there is no sharing of revenue between the disparate wireless and wireline carriers. Also, wireless and wireline revenues are not affected by subscriber's usage of wireline and wireless minutes, respectively. Consequently, MPEP 2144.04 (V) ("Making Integral, making separable") does not apply.

Regarding claims 11-14 and 16: Claims 12-14 and 16 depend from independent claim 11. The amended independent claim 11 recites: *A method for synchronizing services **on two disparate services ordering platforms** between a first telecommunications services carrier and a*

second disparate telecommunications services carrier executed on one or more computers, the method comprising: receiving a services order at a first services ordering platform of the first telecommunications services carrier requiring services changes that affect the second telecommunications services carrier; and notifying the second telecommunications services carrier to provide the services order to the second telecommunications services carriers. The subject claims disclose a method whereby service order for second carrier may be received at first carrier. The subject claims disclose that services between the two carriers can be synchronized. The notification of changes ordered at the first carrier that affect services provided by the second carrier can be sent to second carrier using application programming interface (API). The method of *Hanagan et al.* does not teach or suggest synchronization of services between two disparate carriers because the Products and Services Manager (PSM) taught in *Hanagan et al.* is limited to allowing a customer to select products, services and price plans offered across markets by one carrier (or *an* organization) using a ***single consolidated customer database*** (Abstract, and paragraphs ([0078-0080] & [0182-0186])). Although the Customer Care Manager (CCM) taught in *Hanagan et al.* informs the customers about their changes to services (paragraphs [0168-0172]), it does ***not*** notify the second telecommunications services carrier to provide the services ordered for the second carrier at the first service carrier because *Hanagan et al.* is limited to customer's products and discount plans across markets at ***one*** carrier (paragraphs [0143-0144]).

Furthermore, amended independent claim 11 recites: ***on a periodic basis, updating a customer affiliate subscriber information database in a businesses services platform the services changes that affect the second telecommunications services carrier; and on a periodic basis, synchronizing batch files passed from a subscriber data system of the first telecommunications services carrier to the customer affiliate subscriber information database to ensure the customer affiliate subscriber information database has complete information related to a subscriber to the first telecommunications services carrier and the second telecommunications services carrier*** (claim 11, lines 10-17). Since the method in *Hanagan et al.* teaches a single consolidated database across markets for one carrier, it does not teach or suggest a separate CASI database for customers that utilize integrated services from the two carriers. Although *Hanagan et al.* teaches updating and matching changes (paragraphs [0082], [0094], [0172], [0181], [0192], [0213], [0217], [0219], [0230], [0271], [0272] and [0335]),

these updates or changes are limited to consistency of data within a single ERP database. Consequently, applicants' representative disagrees with the Office Action that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a separate CASI database to update and synchronize services ordered at first carrier that affect the second carrier.

Dependent claim 16 recites: *sending an integrated fulfillment notification to any subscriber making services changes with either the first telecommunications services carrier or the second telecommunications services carrier where the services changes affect both the first telecommunications services carrier and the second telecommunications services carrier.*

The subject claim teaches that the subscriber receives an integrated fulfillment notification when a service change affects both the telecommunications carriers. Although CCM in *Hanagan et al.* informs the customers of any changes in their services across markets within **one** carrier, it does not teach or suggest that the subscriber can receive an integrated fulfillment notification of a service change order placed at first carrier that affects both the carriers after ensuring that second carrier has made changes to reflect the service changes made by the subscriber.

Furthermore, applicants' representative disagrees with the Office Action that recited structural limitations amount to be mere use of a particular structure. Applicants' representative avers that the use of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) ("Making Integral, making separable") does not apply.

Regarding independent claim 17: Independent claim 17 recites: *A computer executable system for integrating billing and services management and revenue sharing between a wireless telecommunications carrier and a disparate wireline telecommunications carrier, comprising; a wireless carrier billing system operative to receive wireless call usage related to wireless calls made via the wireless carrier; to route the wireless call usage to a call usage rating platform at the wireline carrier; the call usage rating platform at the wireline carrier operative to receive wireline call usage related to wireline calls made via the wireline carrier; to charge any of the wireless or wireline call usage to a subscriber **call unit sharing plan** when any of the wireless or wireline call usage requires a billing charge; to route rated call usage information for all wireless and wireline call usage requiring billing under the subscriber call unit sharing plan to a wireline carrier billing system; a rollover management system operative*

to generate a rollover matrix indicating a number of units of call usage that are available for rolling over to a subsequent usage period; to roll over to the subsequent usage period the number of units of call usage that are available for rolling over and the wireline carrier billing system operative to prepare a single periodic bill showing charges to the subscriber call unit sharing plan related to the wireless and wireline call usage charged to the call unit sharing plan; to indicate the number of units of call usage that have been rolled over to the subsequent usage period; and to settle a revenue associated with the single periodic bill between the wireless carrier and the wireline carrier by apportioning an amount of the revenue related to wireless services during a billing cycle associated with the single periodic bill to the wireless carrier and apportioning an amount of the revenue related to wireline services during the billing cycle associated with the single periodic bill to the wireline carrier.

As noted *supra*, *Hanagan et al.* does not teach or suggest these aspects, and Cingular fails to make up for the aforementioned deficiencies of *Hanagan et al.* *Hanagan et al.* does not teach revenue sharing between two disparate carriers, each having its own separate subscriber data store, where a user has subscribed for a call unit sharing plan. Furthermore, *Hanagan et al.* does not teach or suggest receiving a rollover matrix indicating a number of units of call usage that are available for rolling over to a subsequent usage period, or rolling over to the subsequent usage period the number of units of call usage that are available for rolling over. Although Cingular discloses rolling over **unused wireless** minutes from one month to the next month, it does **not** disclose rolling over unused minutes of a **call unit sharing plan** shared between disparate wireless and wireline carriers. Furthermore, Cingular fails to make up for the other aforementioned deficiencies of *Hanagan et al.*

Applicants' representative also disagrees with the Office Action that recited structural limitations in this claim amounts to be mere use of a particular structure. Applicants' representative avers that the disclosure of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) ("Making Integral, making separable") does not apply.

Regarding claims 19 and 31: Claim 31 depends from amended independent claim 19. In particular, independent claim 19 recites: *A method of integrating billing management and revenue sharing between a **disparate** wireless telecommunications carrier and a wireline*

*telecommunications carrier executed on one or more computers, comprising; **provisioning a call unit sharing plan** allowing a user to charge units of wireless usage at a wireless carrier and units of wireline usage at a disparate wireline carrier to one calling plan; receiving wireless usage at the wireless carrier; receiving wireline usage at a wireline usage rating platform; **routing the wireless usage to the wireline usage rating platform**; rating the wireless and wireline usage at the wireline usage rating platform to determine whether any of the wireless or wireline usage must be charged to the call unit sharing plan; when any of the wireless or wireline usage requires a billing charge, charging the any of the wireless or wireline usage to the call unit sharing plan; **receiving a rollover matrix** indicating a number of units of call usage that are available for rolling over to a subsequent usage period; rolling over to the subsequent usage period the number of units of call usage that are available for rolling over; preparing a single periodic bill showing charges to the call unit sharing plan related to the wireless and wireline usage charged to the call unit sharing plan and the number of units of call usage that have been rolled over to the subsequent usage period; **settling a revenue associated with the single periodic bill between the wireless carrier and the wireline carrier** by apportioning an amount of the revenue associated with wireless services during a billing cycle associated with the single periodic bill to the wireless carrier; and apportioning an amount of the revenue associated with wireline services during the billing cycle related to the single periodic bill to the wireline carrier. Additionally dependent claim 31 recites: **when any of the wireless usage comprises a wireless call from a wireless phone of a user to a wireline home phone of the user, designating the wireless or wireline usage related to the wireless call as requiring no charge.***

As noted *supra*, *Hanagan et al.* does not teach or suggest these features, and Cingular fails to make up for the aforementioned deficiencies of *Hanagan et al.* *Hanagan et al.* does not teach or suggest sharing of revenue between two disparate carriers sharing a call unit plan and having two different databases. Although *Hanagan et al.* teaches consolidating all the charges related to different service and products ordered by the customer from *one* carrier, it does not teach **dividing the calling units usage between wireline and wireless carrier**. *Hanagan et al.* also does not teach that no charge is required when some of the wireless usage **was made from a wireless phone of a user to a wireline home phone of the user**. Furthermore, *Hanagan et al.* does not disclose receiving a rollover matrix indicating a number of units of call usage that

are available for rolling over to a subsequent usage period, or rolling over to the subsequent usage period the number of units of call usage that are available for rolling over. Although Cingular discloses providing a customer with rollover minutes that are unused minutes that can be added to their next month's minute allotment, it fails to make up for the other aforementioned deficiencies of *Hanagan et al.*.

Furthermore, applicants' representative disagrees with the Office Action that recited structural limitations amount to be mere use of a particular structure. Applicants' representative avers that the use of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) ("Making Integral, making separable") does not apply.

Regarding claims 23-25: Claims 24 and 25 depend from amended independent claim 23. In particular, independent claim 23 recites: *A method of integrating billing management between a plurality of telecommunications services systems executed on one or more computers wherein each telecommunications carrier has a separate database, comprising; receiving first call usage associated with calls transacted via a first services system; receiving second call usage related to calls transacted via a second services system; routing the first call usage and the second call usage to one or more call usage rating platforms; determining billing information related to associated with each of the first and second call usages; routing billing information related to each of the first and second call usages to a billing system; receiving a rollover matrix indicating a number of units of call usage that are available for rolling over to a subsequent usage period; rolling over to the subsequent usage period the number of units of call usage that are available for rolling over; and preparing a single periodic bill showing charges related to the first and second call usages and the number of units of call usage that have been rolled over to the subsequent usage period.*

As noted *supra*, *Hanagan et al.* does not teach or suggest these features, and Cingular fails to make up for the aforementioned deficiencies of *Hanagan et al.*. Furthermore, *Hanagan et al.* does not teach or suggest that the consolidated bill could be produced at a third party call usage rating platform.

Applicants' representative disagrees with the Office Action that recited structural limitations amount to be mere use of a particular structure. Applicants' representative avers that

the disclosure of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) (“Making Integral, making separable”) does not apply.

Regarding claims 26-28: Claims 27 and 28 depend from amended independent claim 26. In particular, independent claim 26 recites: *A method of integrating billing and services management between a wireless telecommunications carrier and a **disparate** wireline telecommunications carrier executed on one or more computers, comprising; **provisioning a call unit sharing plan allowing a user to charge units of wireless usage at a wireless carrier and units of wireline usage at a disparate wireline carrier to one calling plan**; receiving wireless usage at the wireless carrier; receiving wireline usage at a wireline usage rating platform; receiving the wireless usage at the wireline usage rating platform; **receiving a rollover matrix** indicating a number of units of call usage that are available for rolling over to a subsequent usage period; **rolling over** to the subsequent usage period the number of units of call usage that are available for rolling over and when any of the wireless or wireline usage requires a billing charge, charging any of the wireless or wireline usage to the call unit sharing plan.*

As noted *supra*, *Hanagan et al.* does not teach or suggest each and every element as recited in this amended independent claim, and Cingular fails to make up for the aforementioned deficiencies of *Hanagan et al.* Further, *Hanagan et al.* does not teach or suggest that the consolidated bill can be produced at a third party call usage rating platform.

Applicants’ representative disagrees with the Office Action that recited structural limitations amount to be mere use of a particular structure. Applicants’ representative avers that the use of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) (“Making Integral, making separable”) does not apply.

Regarding independent claim 29: Independent claim 29 recites: *A method of integrating billing and services management between a wireless telecommunications carrier and a disparate wireline telecommunications carrier executed on one or more computers, comprising; **provisioning a call unit sharing plan** allowing a user to charge units of wireless usage at a wireless carrier and units of wireline usage at a wireline carrier to one calling plan; receiving wireline call usage at a wireline rating platform; receiving wireless call usage at a wireline rating platform; when any of the wireless or wireline call usage requires a billing charge,*

*charging the any of the wireless or wireline call usage requiring a billing charge to the call unit sharing plan; **receiving a rollover matrix** indicating a number of units of call usage that are available for rolling over to a subsequent usage period; **rolling over** to the subsequent usage period the number of units of call usage that are available for rolling over and preparing a single periodic bill showing charges to the call unit sharing plan related to the wireless and wireline call usage charged to the call unit sharing plan and the number of units of call usage that have been rolled over to the subsequent usage period.*

As noted *supra*, *Hanagan et al.* does not disclose these features, and Cingular fails to make up for the aforementioned deficiencies of *Hanagan et al.*

Applicants' representative disagrees with the Office Action that recited structural limitations amount to be mere use of a particular structure. Applicant's representative avers that the disclosure of two disparate carriers affects the subject method in a manipulative sense. Consequently, MPEP 2144.04 (V) ("Making Integral, making separable") does not apply.

In view of at least the foregoing discussion, applicants' representative respectfully submits that *Hanagan et al.* and *Cingular*, individually or in combination, fail to teach or suggest all features of applicants' invention as recited in independent claims 1, 11, 17, 19, 23, 26, and 29 (and claims 2-6, 12-14, 16, 24-25, 27-28, 30-31 that depend there from) and thus fail to make obvious the subject claimed invention. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ATTWP278USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731